

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 11-18, 21-30, 33-40, 42, 55-62, and 65-72 are presently active in this case, Claim 21 having been amended by way of the present Amendment.

Claims 1-8, 11-18, 55-62, and 65-72 were indicated as being allowed.

Claim 21-30, 33-40, and 42 (note that Claim 41 has been canceled without prejudice or disclaimer) were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, Claim 21 was rejected for reciting that the positioning assembly includes a translational member. Claim 21 has been amended to recite that the probe includes a translational member, as is consistent with the terminology used in the application. Accordingly, the Applicants request the withdrawal of the indefiniteness rejections of Claims 21-30, 33-40, and 42.

The Applicants respectfully request the entry of the amendments set forth herein, which are believed to place the application into condition for allowance.

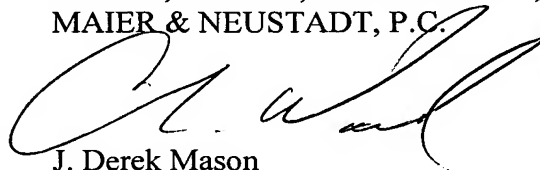
The Applicants note that the grounds of rejection in the outstanding Official Action were not of a nature which precluded a substantive examination of the present claims. Accordingly, the Applicants interpret the lack of any prior art rejection as an indication that, upon clarification of the claims, they would be allowed, and that the claims patentably distinguish over the art of record.

Application Serial No.: 10/717,661
Reply to Office Action dated December 3, 2004

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'J. Derek Mason', is written over the printed name.

J. Derek Mason
Registration No. 35,270
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

JDM:CDW:brf
I:\atty\cdw\209127US23\am2.doc